

APPROVED: Meeting No. 26-92

ATTEST: *Sharon A. Dean*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 24-92

June 8, 1992

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on June 8, 1992, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. It has been the City's practice to televise meetings of the Mayor and Council, and today marks the seventh anniversary of live coverage.
2. The first brown bag concert in Courthouse Square was held last week Tuesday. Approximately 300 people attended the noon concert, and attendance is expected to increase as the series continues through the summer.
3. With respect to Agenda Item 11C, Award of Bid for Printing and Distribution of **Rockville Reports**, this bid is based on the new monthly format. It is also the first time we have changed printers since adopting the first newsprint format.

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A different type of distribution is recommended with this bid award, that is, delivery within three days to the door of each address in a separate plastic bag.

The savings as a result of these changes would be approximately \$50,000 annually. Mayor Duncan inquired as to whether the savings were attributable to the monthly rather than bi-weekly distribution and was advised yes.

4. The Guide to Your City Government which is included in our "Welcome to Rockville" packets has been updated and reissued. Copies are available at City Hall to any interested individuals.

Re: Proclamation declaring the
week of June 7-13, 1992, as
SAFE BOATING WEEK.

Proclamation No.16-92

By a unanimous vote of the Mayor and Council, the week of June 7-13, 1992, was declared **SAFE BOATING WEEK** in Rockville. Councilmember Robbins read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Commander Dennis Krizek and other members of the Rockville Power Squadron accepted the Proclamation.

Re: Proclamation declaring June
14, 1992, as **FLAG DAY.**

Proclamation No. 17-92

By a unanimous vote of the Mayor and Council, June 14, 1992, was declared **FLAG DAY** in Rockville. Councilmember Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Thelma O'Connell, incoming Commander, American Legion Post 86, accepted the Proclamation.

The City of Rockville will hold a Flag Day Ceremony on June 14, 1992, at 7:00 p.m.

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at the Rockville Senior Center.

Re: Recognition of Tamara
Levinson, rhythmic
gymnast, who recently
qualified to compete in the
1992 Summer Olympics in
Barcelona.

The Mayor and Council presented 15-year old Tamara Levinson with a Certificate in recognition of her outstanding achievement in qualifying to compete in the 1992 Summer Olympics in Barcelona as a member of the U.S. Women's Rhythmic Gymnastics Team. Tamara's parents converted warehouse space in Rockville as a gymnastics training center for Tamara and several other young people.

Re: Presentation of annual
contribution of Rockville
Seniors, Inc.

Lois Darling, Ira Walters and Helen Roberto, members of Rockville Seniors, Inc., presented the Mayor and Council with a check in the amount of \$11,000 toward the annual operating budget of the Rockville Senior Center and a check in the amount of \$20,000, representing the 1992 contribution to the Center's five-year capital program. These monies were raised through sales from the Senior Center gift shop and thrift shop and proceeds from the Bingo games, yard sales and annual holiday sale.

Re: Legislative Briefing

State Senator Mary Boergers and Delegates Michael Gordon, Jennie Forehand and Kumar Barve briefed the Mayor and Council on the highlights of the 1992 General Assembly session and issues of concern to the City of Rockville.

Senator Mary Boergers commented on several combined efforts of the State

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representatives and local government of particular interest to Rockville residents:

- o keeping the Twinbrook Library open;
- o repaving of W. Montgomery Avenue;
- o renovation of Beall Elementary;
- o dedication of the first University of Maryland classroom building at Shady Grove.

(There has been a commitment from Governor Schaefer to totally fund the second building.)

o effort of Peerless Rockville to restore the Wire Hardware building. Hopefully, Peerless will be able to obtain a grant from the State Historical Trust for this project.

As a member of the Judicial Proceedings Committee, she reported that legislation was adopted to expand the State hate crimes bill to any public or private institution.

She and Delegate Mike Gordon introduced a bill to change the required minimum amount in question in order to request a trial by jury, from \$500 to \$5,000. Hopefully, cases will be resolved more quickly and effectively as a result of this legislation. This will appear as a referendum item on the November ballot.

All health insurance must now include child wellness services in family policies. This mandatory regulation will ensure that all young children receive immunizations and screening tests.

Legislation to establish a Motor Vehicle Emissions Certification Program in accordance with the California Emissions Program failed.

Delegate Mike Gordon noted the following:

A \$12.1 billion budget was approved, 20% of which is for Medicaid and Medicare and 27% of which is for Aid for Dependent Children. The legislators have control of only 24% of the budget.

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There are several components of the new tax package which were outlined by Delegate Gordon:

- o The new State income tax of 6% should generate a windfall the first year with \$50 million going to the State's reserves; however, this is based on an optimistic projected increase in personal income of 5.9%.
- o In giving county governments the right to raise the piggyback tax to 60%, the legislature made provision for municipalities to receive their share of the increase.
- o The five cent gas tax increase will help fund the road program over the next five years, and Montgomery County will receive one cent (or 20%) of the increase. In order to preserve \$1.9 billion of federal money, a 2 1/2 cent increase on the gas tax was needed; the remaining 2 1/2 cents will go to fund Metro and other projects.

Delegate Gordon doesn't agree with the new tax on services which affects only building security and commercial and industrial building maintenance services.

Delegate Kumar Barve reported that, with Delegate Gordon's assistance, he was successful in extending the sales tax to the 900 series telephone numbers.

As a member of the House Economic Matters Committee, he briefed the Mayor and Council on the following issues:

- o Efforts continue on health care reform. There are 570,000 Marylanders who lack health insurance, and \$340 million in uncompensated care to uninsured and underinsured individuals was absorbed by hospitals last year. There was success in passing legislation requiring all insurance companies and hospitals to use same billing form. Efforts will continue in order to rationalize the manner in which health insurance companies sell to small businesses and to bring Maryland into

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compliance with a set of model insurance policies.

- o In the economic development area, they are continuing the Work Force Quality policy of providing resources to help businesses train employees to maintain their competitiveness.

- o A change in the highest experience-based tax rate on unemployment insurance would place a greater burden of the unemployment tax on employers with a history of laying off employees.

- o Delegate Barve introduced, at the suggestion of Assistant City Manager Rick Kuckkahn, a bill which clarifies that restrictions on the type of investments State and political subdivisions may make for pension and retirement purposes do not apply to State and local retirement and pension systems. However, these retirement and pension systems must comply with required fiduciary standards.

- o Work continues on election law reform, and a bill to provide for same day voter registration in the State of Maryland was one vote short of passage. Mayor Duncan advised Delegate Barve that the City of Rockville has implemented same day voter registration, and it has worked well.

Last January, Delegate Barve represented the United States at a conference of political leaders in Moscow. He indicated that he frequently used Rockville as an example of how local government can work. He will continue to maintain these contacts.

Delegate Jennie Forehand, as a member of the Appropriations Committee, noted that the State government was significantly downsized this year in order to balance the budget. Fortunately, the State has been able to maintain its AAA bond rating.

She briefed the Mayor and Council on the following issues:

- o Attempts were made to save preventive programs.

- o The effort to use revenues from the cigarette tax to fund a "stop smoking" campaign

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was unsuccessful. The bill which would have placed an excise tax on chewing tobacco and cigars did not pass.

- o The increased gas tax will be good for the County. The I-270 spurs are on the list to be funded over the next five years.

- o Funds were retained in the budget for the Historical Trust, hopefully for Peerless' project for Wire Hardware.

- o \$19 million was transferred to school construction for Montgomery County.

- o With respect to the Montgomery County High Tech Council, Delegate Forehand was involved in retaining funds for challenge grants.

- o A bill to require emissions inspections for diesel trucks proposed by Delegate Forehand was unsuccessful.

- o Legislation (Kids 'n Guns bill) was passed to restrict a minor's access to firearms. Delegate Forehand sponsored a similar bill three years ago. Maryland joins four other states which have adopted this legislation.

- o Legislation was adopted requiring motorcycle helmets to be worn by all riders; providing potty parity; and mandating HIV testing for individuals charged with rape.

Delegate Forehand noted that she was on the committee which funded the day care center for medically fragile children which is located in Rockville.

In conclusion, Delegate Forehand commented that she is very proud to represent Rockville.

Councilmember Coyle acknowledged their efforts to get the pension bill passed. He also expressed appreciation for support of the sensitive areas legislation which promotes environmental

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protection. This is very important to the City of Rockville. He thanked the legislators for their efforts in securing the WMATA funding and additional support for Ride-On which is important to both the City and County.

Councilmember Coyle also expressed hope that the legislature will try again next year to get the mandates bill passed. Delegate Gordon responded that the federal-state relations committee is conducting a three-year study on the mandates issue, and the General Assembly has deferred action until their recommendations have been received.

With respect to the unsuccessful WSSC and development charges legislation, Delegate Forehand suggested that city officials speak with municipal officials from Prince George's County regarding this matter.

Delegate Barve, Vice-Chair of the Subcommittee on Bi-County Agencies, advised that the committee put in a lot of hard work on this bill and will be working on this problem again next year. Senator Boergers commented regarding the delicate balance of WSSC charges and the need to ensure that young adults are not precluded from purchasing homes because of such charges.

Small businesses and residents alike benefit from the work of the legislators, and Councilmember Coyle thanked the City's representatives for their efforts.

Councilmember Marrinan complimented the representatives, noting that it was a difficult session. In response to his request for predictions as to next year's State budget, Delegate Gordon advised to plan conservatively; the budget projections were optimistic and he predicts a shortfall. Senator Boergers indicated that the County Finance Director has projected that the State budget will have a \$200 million shortfall.

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It was noted that, in future years, the format of the legislative briefing should be changed to that of a worksession to allow more time for discussion and questions.

Re: Citizens Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. John Tyner, President of the Rockville Chamber of Commerce, presented the Mayor and Council with the 35th anniversary edition of the Chamber Community Guide. He also noted that the Chamber would soon have ready their report on support for the recent Hometown Holidays celebration.

With respect to the 35th anniversary of the Chamber, Mayor Duncan commented that it is also the 35th anniversary of the City's sister city relationship with Pinneberg, the acquisition of the Civic Center Mansion and the formation of the Rockville Art League, noting that 1957 was a good year in the City.

As a private citizen, Mr. Tyner referenced the draft North Bethesda-Garrett Park Master Plan and commented that the proposed comments to the County Council accurately summarize the excellent cooperation during this two and one-half year process among City staff, Maryland-National Capital Park and Planning Commission staff, the Twinbrook Citizens Association and businesses in that area.

2. Maria Corrigan, Sentinel Newspapers, referenced Item 11C on the agenda Award of Bid No. 106-92, printing and mailing of **Rockville Reports**. She has worked with Direct Mail Associates, the company which will be handling delivery of the newsletter, and highly endorsed their performance.

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There being no other citizens wishing to be heard, the Mayor closed the Citizens Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Izione Silva was appointed to a one-year term as Chairperson of the Advisory Commission on Public Education.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Harrison Fox was appointed to a five-year term on the Housing Authority Board of Commissioners.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, F. Terry Baker was reappointed to a two-year term on the Recreation and Park Advisory Board.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Daniel Milway was appointed to a two-year term on the Retirement and Disability Board.

Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the minutes of Meeting No. 17-92 (May 4, 1992) were approved, as written.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 18-92 (May 5, 1992) were approved, as written.

Upon motion of Councilmember Robbins, duly seconded, with Mayor Duncan abstaining as he was not present at the meeting, the minutes of Meeting No. 19-92 (May 11, 1992) were approved, as written.

Upon motion of Councilmember Marrinan, duly seconded, with Mayor Duncan abstaining as he was not present at the meeting, the minutes of Meeting No. 20-92 (May 12, 1992) were approved, as written.

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Upon motion of Councilmember Krasnow, duly seconded, with Councilmembers Coyle and Robbins abstaining as they were not present at the meeting, the minutes of Meeting No. 21-92 (May 18, 1992) were approved, as written.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the minutes of Meeting No. 22-92 (May 26, 1992) were approved, as written.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the minutes of Meeting No. 23-92 (June 1, 1992) were approved, as written.

Re: Consent Agenda

Councilmember Krasnow requested the removal of Items C and F from the Consent Agenda. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Award of Bid No. 97-92, North Pool Heat Recovery System of the Rockville Municipal Swim Center, to Welch & Rushe, Inc. of Capitol Heights, Maryland, for the low bid amount of \$46,635.

Funds in the amount of \$64,823 have been budgeted for this purpose.

- B. Award of Bid No. 104-92, reconstruction of a traffic signal at the intersection of W. Montgomery Avenue and Laird Street, to Hawkins Electric Company, College Park, Maryland, for the low bid amount of \$28,839.50.

This project will relocate signal equipment to make way for W. Montgomery Avenue reconstruction

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and replace obsolete signal hardware. Existing span wire signal supports will be replaced with the more attractive "Town Center" style mast arms poles. A completion date of December 1, 1992, is anticipated.

- D. Approval to procure maintenance for the City's IBM computer equipment for Fiscal Year 93 from IBM Corporation in the amount of \$25,000.

This maintenance is in accordance with the five-year Mid-Range Service Amendment (MRSA), and funding in the amount of \$25,000 has been included in the FY93 budget for this purpose.

- E. Authorization to pay Maryland Environmental Services (MES), Annapolis, Maryland, for disposal of leaves for both FY92 and FY93, and for disposal of grass for FY93, in the total amount of \$216,000.

Maryland Environmental Services is the designated contractor for Montgomery County for disposing of both grass and leaves. During FY92, 14,167 cubic yards of leaves were collected, and it is estimated that 16,000 will be collected in FY93. An estimated 1,000 cubic yards of grass will be collected in FY93.

- G. Receipt of financial reports summarizing the results of City operations for the period from July 1, 1991 through April 30, 1992.

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- H. Adoption of Resolution No. 5-92, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, to request the City Planning Commission to consider the names of deceased mayors for street names where appropriate.

Re: Award of Bid No. 106-92, Printing and Mailing Service for the Rockville Newsletter, to Sentinel Publications-Berlyn, Inc. for the combined low bid amount of \$35,094.60.

This contract covers the printing of 22,110 copies of **Rockville Reports** for twelve months beginning in July 1992, and distribution to residential and business addresses in Rockville. The proposed FY93 budget includes sufficient funds for this contract.

Councilmember Krasnow had requested the removal of this item (C) from the Consent Agenda to request information as to why the City is changing the method of distribution. The City Manager noted that a broad-based Request for Proposals was developed to secure the best price for both printing and delivery and, as a result, alternative means of distribution of the newsletter were received. Mr. Romer indicated that, if problems resulted with this new distribution, staff is in a position to immediately resort to post office delivery. Given the cost savings of \$3,000 per year for the 12 issues, staff feels that it is worth a try.

Concern was expressed by Councilmembers with this type of distribution for a number

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of reasons:

- o People do not give the same attention to items left at the door and, thus, a loss of readership could occur.
- o The plastic bags which will enclose the newsletter may become a trash or environmental concern.
- o Close monitoring is necessary to avoid misses.

Following discussion, staff assured the Mayor and Council that a monitoring process would be established and that staff would report back to the Mayor and Council with feedback, both positive and negative, received from residents and businesses in the City.

The new distribution will be effective for the July 17 edition of the newsletter. Mayor Duncan commented that this is an excellent process for utilization of Total Quality Management. Data regarding the current post office delivery and the new distribution system is required to support this decision.

Upon motion of Councilmember Coyle, duly seconded, with Councilmember Robbins voting no, Bid No. 106-92, in the amount of \$35,094.60, was awarded to Sentinel Publications-Berlyn, Inc. for printing and mailing service of the Rockville newsletter (with the caveat that the City will return to post office delivery if significant problems ensue with delivery).

Re: Approval of agreement between the City of Rockville and Maryland State Highway Administration setting conditions for construction of a storm water management facility within the I-270 right-of-way.

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The developer of the Rose Hill Falls subdivision will be constructing a stormwater management facility. In order to avoid disturbing wetlands, the dam components of the facility will be within the State right-of-way. This agreement provides the necessary parameters for this project.

Councilmember Krasnow had requested the removal of this item (F) from the Consent Agenda to make the public aware that this agreement is for a stormwater management facility for the Rose Hill Falls subdivision. Part of the facility will be located within the I-270 right-of-way to avoid impacting any wetlands.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Mayor Duncan was authorized to sign the agreement between the City of Rockville and the Maryland State Highway Administration setting forth conditions for construction of a stormwater management facility within the I-270 right-of-way.

Re: Approval of Memorandum of Understanding with Montgomery County, City of Gaithersburg and City of Rockville regarding urban growth areas and authorization for Mayor Duncan to sign Memorandum of Understanding.

This memorandum sets forth an agreement in principle between the County and the cities of Rockville and

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Gaithersburg with respect to
future annexations.

The City Manager commented that this is an outgrowth of many months of discussion and sets forth the Maximum Expansion Limits which the City and County have been attempting to resolve for a number of years. This is a new conceptual agreement which substitutes logical urban growth areas for the concept of MEL (maximum expansion limits).

The cities of Gaithersburg and Rockville and the County recognize the legitimacy of the City having local urban growth areas in which to expand. Once the concept is approved, Mr. Romer indicated that the City can move forward with the more substantive issue of defining these areas.

Concern was expressed by Councilmember Robbins with respect to the endorsement of the R & D Village concept. There have been a lot of changes in economic conditions which warrant a redefinition of the R & D Village concept which should be open-ended. Councilmember Coyle agreed.

It was noted that there is no negative impact to the City insofar as the provisions for recognition of Transferrable Development Rights (TDRs).

Mayor Duncan thanked County Councilman Bill Hanna for his assistance in promoting this memorandum of understanding, noting it is important to have something in writing to facilitate planning for future growth in Rockville.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Mayor Duncan was authorized to sign the Memorandum of Understanding with Montgomery County and the City of Gaithersburg.

Re: Approval of comments for
transmittal to the
Montgomery County

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Council on the Final Draft of the North Bethesda-Garrett Park Master Plan.

The Maryland-National Capital Park and Planning Commission recently released the Final Draft of the North Bethesda-Garrett Park Master Plan. This area lies directly south of the City of Rockville and includes several major parcels within the City's sphere of influence.

Staff is very comfortable with the final draft of the North Bethesda-Garrett Park Master Plan. Comments to the County Council regarding this plan have been reviewed by the Twinbrook Citizens Association and the Planning Commission. There are three areas in which comments have been prepared:

Land Use. Request protection of Twinbrook residential areas; suggest that their proposed new zone for the Montrose Crossing site produce development similar to Rockville's RPC (Rockville Pike Commercial) Zone.

Urban Design. Some design principles from the Rockville Pike Plan were recommended, including service drives and berms, for pedestrian and auto safety.

Transportation. The need for some type of east-west road capacity in the Montrose Road corridor has been recognized, and some type of transportation option is recommended.

In the plan, there was discussion regarding extending Aspen Hill Road to provide some relief at the intersection of Veirs Mill Road and Twinbrook Parkway, but this proposal has been deleted in view of environmental and financial considerations. The Planning Commission, however,

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would still like the County to consider this extension.

Mayor Duncan noted that although some improvement to the traffic at Twinbrook Parkway and Veirs Mill Road is warranted, he doesn't feel the Mayor and Council should go on record to support this extension without additional information. Staff was requested to delete the sentence indicating the City's support of the extension.

With respect to widening of the I-270 spurs, Mayor Duncan stated that this construction is needed as soon as possible. He requested that the sentence be deleted which states that, "The City is concerned, however, that the widening will create bottlenecks further along the I-270/Beltway Route."

Councilmember Krasnow reiterated the concern to widen the I-270 spurs as soon as possible and doesn't understand how this would create new bottlenecks. Regarding the Urban Design comments on page 2, Councilmember Krasnow asked if staff has any idea of whether the County would work with us for plans that would be consistent with our Rockville Pike Plan. Staff responded that there are no service drives now and such a streetscape design with berms and sidewalk separators may not be achievable in their area.

Mayor Duncan commented that there is support for future streetscape designs along Rockville Pike by some County officials, and it was agreed that language would be added to the letter to strongly encourage the County to consider implementing a similar streetscape design in the area.

With respect to the comments on Montrose Parkway, Councilmember Coyle stated that he did not see reflected the concern of North Farm residents. Mayor Duncan commented that the City has consistently supported some type of parkway, but not the freeway that was previously suggested. Staff noted that the transportation portion of the road would end at Tildenwood, well before the North

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Farm neighborhood. It was agreed that a general statement would be added to the comments supporting protection of the North Farm neighborhood.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the draft comments for transmittal to the County Council regarding the Final Draft of the North Bethesda-Garrett Park Master Plan were approved, with the changes set forth above.

Re: Adoption of Ordinance to grant Application to Close and Abandon Public Way SCA-65-91, Lanny Newman, Applicant.

This application requests abandonment of unimproved segments of right-of-way of Luckett Street and Dawson Avenue located north of Beall Elementary and south of Welsh Park.

Ordinance No. 7-92

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 7-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to grant Street Closing and Abandonment Application SCA-65-91, abandoning unimproved segments of right of way of Luckett Street and Dawson Avenue located north of Beall Elementary and south of Welsh Park.

Re: Adoption of Resolution to approve a temporary use permit application for the Montgomery County Police/Sheriffs Boys and Girls Club to operate a carnival at 725 Rockville Pike, Rockville, Maryland,

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from June 21 through June
27, 1992.

Resolution No. 6-92

While she supports the Boys and Girls Club, Councilmember Krasnow expressed concern with the carnival in the city, especially at the proposed site. She stated that the carnival is not appropriate for the location and that it creates a great deal of traffic and constitutes a nuisance.

Councilmember Marrinan agreed, indicating that it started out as a one-time event six years ago. Complaints continue to be received, and, as a matter of policy, the Boys and Girls Club should be encouraged to seek another site for next year. A condition of approval of the temporary use permit to this effect should be included.

Councilmember Robbins agreed.

Councilmember Coyle questioned whether there are any other sites in the city which could accommodate the carnival. He doesn't feel that the complaints have been so overwhelming as to prevent the Boys and Girls Club from moving forward this year. If another site is available for the carnival next year, he would like to consider this again.

It was suggested that a worksession should be held to determine if such an event is something that is desirable in the city. Councilmember Robbins asked what the benefits are to the city and was advised by the City Manager that the program delivery of the Boys and Girls Club would probably not be affected by any change in the carnival. Councilmember Robbins agreed with Councilmember Marrinan and suggested that when the event is over, the Boys and Girls Club should be informed that the City will not approve a permit in the future.

Mayor Duncan agreed with Councilmember Coyle that there have not been overwhelming problems to preclude them from coming back next year. He suggested that the Boys

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and Girls Club come back earlier with a report on other sites and give the City more flexibility.

Councilmember Marrinan indicated that, at some point in the future, the site will be developed and they will have to find another location. The message should clearly encourage them to find another site as soon as possible.

Mayor Duncan inquired as to the fence which was suggested at the public hearing. Staff responded that the Boys and Girls Club will be erecting a temporary barricade at the 50-foot setback property line of Barristers Place. He requested that the fence be included with the conditions concerning trailers and equipment.

Councilmember Krasnow has heard it is not a safe environment and is unsure as to whether the City should feel an obligation to approve the use permit for this site. Mayor Duncan suggested that the Boys and Girls Club look for other sites and report back to the Mayor and Council by September 30 with a proposed site at which to hold the carnival next year. He feels the City needs to give them several months' notice to go somewhere else.

Councilmember Marrinan agreed that this is a reasonable approach. He suggested that a definitive evaluation report be included in any discussions of an alternative site.

Mayor Duncan requested that staff prepare a report after contacting all individuals who expressed concerns in the past. This report should be provided as quickly as possible after the event closes, and staff should also identify potential sites within the City, if there are any, that are appropriate.

Upon motion of Councilmember Robbins, duly seconded, with Councilmember Krasnow voting no, Resolution No. 6-92, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted, as amended, to approve a temporary use permit application for the

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Montgomery County Police/Sheriffs Boys and Girls Club to operate a carnival at 725 Rockville Pike from June 21 through June 27, 1992. The amendments include a provision that the Boys and Girls Club erect a 42-inch high temporary safety fence along the entire 50-foot setback line between Barristers Place and the carnival and that the Boys and Girls Club investigate the utilization of other sites for next year and report to the Mayor and Council by September 30, 1992, with a proposed site for 1993.

Re: Adoption of Ordinance to amend Chapter 10, "Floodplain Management" of the Rockville City Code.

This amendment is required by the Water Resources Administration of the Maryland Department of Natural Resources to comply with federally mandated changes to the National Flood Insurance Plan (NFIP).

Ordinance No. 8-92

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 8-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to amend Chapter 10, "Floodplain Management" of the Rockville City Code pursuant to requirements of the Department of Natural Resources for compliance with federally mandated changes to the National Flood Insurance Plan.

Re: Discussion and Instructions to Staff - Text Amendment Application T-122-91, Vernon H. Miller, Applicant.

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This application requests amendments to the Town Center section of the Zoning Ordinance to allow greater retail use opportunities in the TCO-1 Zone and to allow parking reductions in the TCO-1 Zone in the same manner as the other Town Center zones.

Councilmember Coyle noted that the Planning Commission recommends a limitation on retail uses in the TCO-1 Zone to 15% of the gross floor area of any building or 100% of the ground floor, whichever is greater. Staff responded that this particular item was discussed at the hearing and the attorney for the applicant requested that it be amended to include 100% of the gross floor area of the first two floors of any building. Most of the buildings tend to be small, thus, the 15% limitation would be quite small.

In response to Councilmember Krasnow, staff commented that it may be difficult to get more than one floor of retail. The applicant is asking for flexibility in the event that they would have an opportunity to partially lease the second floor for retail. The original staff recommendation did not impose any limitation on retail because there is little likelihood of a large retail building occurring in this zone, and the ability to rent retail above the second floor is minimal.

Councilmember Krasnow favors maximum flexibility, indicating she would hate to see a cap (on the retail) unless staff feels that this may cause problems.

Mayor Duncan commented that if there were a restaurant on the first floor and offices supporting the restaurant on the second floor, limiting the retail to 100% of the ground floor or 15% of the building would preclude such an arrangement. He supports Councilmember Krasnow's recommendation for maximum flexibility.

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Councilmember Marrinan indicated that it sounds like a reasonable approach and asked if the Planning Commission should be requested to review this change. It was noted that the Planning Commission has already indicated they would not favor such a change.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, staff was instructed to prepare the necessary documentation for approval of this text amendment as recommended by the Planning Commission with the following change: the floor area limitation on retail uses in the TCO-1 Zone of 15% of the gross floor area or 100% of the first two floors of any building, whichever is greater.

Re: Adoption of Resolution to express the intent of the Mayor and Council to fund certain capital projects on a reimbursement basis.

New federal legislation restricts the ability of local governments to apply bond proceeds retroactively to pay for capital project expenditures incurred prior to the date of the bond issue. To comply with the new law, the Mayor and Council must express an intent, in advance of the bond issue, to provide retroactive funding to various projects.

Resolution No. 7-92

The City Manager advised that this resolution is a result of continuing federal legislation regarding use of bond proceeds and will ensure that the City will not be negatively impacted if we begin to spend money on capital projects before bonds are issued.

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Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Resolution No. 7-92, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to express the intent of the Mayor and Council to fund certain projects on a reimbursement basis.

Re: Adoption of Ordinance to amend Section 24-46 of the Rockville City Code, entitled "Water Consumption Charge."

The amendment to the ordinance increases the rate from \$1.25 per 1,000 gallons to \$1.35 per 1,000 gallons, effective July 1, 1992.

Ordinance No. 9-92

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 9-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to amend Section 24-46 of the Rockville City Code, entitled "Water Consumption Charge" to increase the rate from \$1.25 per 1,000 gallons to \$1.35 per 1,000 gallons, effective July 1, 1992.

Re: Adoption of Ordinance to appropriate funds and levy taxes for Fiscal Year 1993. The ordinance sets the operating and capital budgets for Fiscal Year 1993. The proposed property tax rate is \$.8066 per \$100 of assessed valuation.

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Ordinance No. 10-92

Councilmember Coyle complimented staff on their excellent support of the budget process and for their input and suggestions. Citizen input was good this year. The City is maintaining its high quality of services in the city, and there have been some improvements in the budget, including funding of the MOMS Program. The caregivers group came to us with reasonable expectations; seniors have done an excellent job of keeping the costs of senior services down. He supports reduction of the tax rate and transferring the burden from the property tax to the income tax. The City has a great financial management program, and staff has done an outstanding job in providing cost-effective service.

Councilmember Robbins expressed appreciation for the process that was put in place a couple of years ago that anticipated and set in motion the future solid management and budget process in the City. He thanked the City Manager for his leadership and commented that he was impressed that the department heads met the strict budget guidelines. The citizens advisory boards played a major role in the process in terms of acting as liaison between staff and the citizens. City staff was thanked not only for their service, but in accepting less cost-of-living and benefits than have been available in the past.

Earlier there was discussion that there would be fees for the summer playground program. Councilmember Robbins advised that the Mayor and Council agreed that this is not the time to initiate fees for summer programs. He expressed appreciation to the Mayor and Council for their diligence and positive approach throughout the process.

Councilmember Marrinan noted that the citizens of Rockville should be proud of what has occurred in the process. What will happen next year, however, is a continuing concern if

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projections are not realized. There has been an increase in the water consumption rate, and lowering the property tax rate is important as it will minimize the total impact resulting from the taxes mentioned earlier by the State Delegation. The City is well served and he is proud to be part of the process.

This is Councilmember Krasnow's first budget process, and she was extremely impressed. The department heads are to be complimented on their willingness to reduce their operating budgets by 5%. Although the tax rate is being lowered, there is an increase in the water rate and there will probably also be an increase in the sewer rate as a result of mandated costs to pay for this service. She commended staff on their willingness to review new ways to reduce costs, resulting in a rainy day fund.

Mayor Duncan thanked Mr. Romer, City Manager, Mr. Deckard, Finance Director, and the budget staff for an excellent budget. The FY93 budget is actually smaller than FY92's. He is pleased that the City is returning back to residents through a decrease in property tax the extra income taxes generated by the new piggyback tax. It is an important policy statement and should be helpful to the taxpayers.

Mayor Duncan commented that the budget provides for services that may be bid by his employer, AT&T, and pointed out that he abstains on all such items.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the Ordinance was amended to include all revisions made subsequent to introduction of the Ordinance on April 13, 1992, as a result of the budget worksessions and to reflect the new proposed tax rate of 80.66 cents per \$100 of assessed valuation. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Ordinance No. 10-92, the full text of which can be found in Ordinance Book

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No. 17 of the Mayor and Council, was adopted, as amended, to appropriate funds in the amount of \$50,011,896 for the Fiscal Year 1993 annual operating expenses of the departments and agencies of the City, and to appropriate the total sum of \$19,871,000 in Fiscal Year 1993 for improvement projects. Said ordinance also provides for the levy of a tax against all assessable real and personal property within the corporate limits of the City at the rate of 80.66 cents on each \$100 of assessable value of said property, provided, however, that all stock in business within the corporate limits of the City shall receive an exemption equal to eighty-two percent (82%) of assessable value of such property.

Re: FYI/Correspondence

Youth Employment Program Lottery

Councilmember Robbins received some negative impact regarding the lottery and questioned whether there was a better system to use in the future, especially for youth who had previously worked for the City.

"Helping Little Hands"

Councilmember Krasnow asked if this program is being advertised through Rockville Reports and was advised that a number of avenues will be used for publicizing this program.

Rockville Football League

Several months ago, RFL had requested \$9,500 in support of their program. This would be the final time they seek support from the City. During the past few years, the City has provided \$10,000 in funding to RFL. The first year they requested support (\$6,000) was during renovation of Dogwood Park when the concession would not be available to RFL and, last year \$4,000 was provided to purchase helmets for children who could not afford to purchase them.

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Following discussion regarding the financial status of RFL, the Council requested further information to support this request, and it was agreed that this would appear as an agenda item at the Mayor and Council meeting of June 22. Ron Tolbert or Elbridge James of RFL will be requested to make a presentation.

Re: New Business

Councilmember Coyle noted that the issue of enforcement of speeding on Maryland Avenue continues to come up, and he questioned whether the County had been advised of the complaints of Ride-On buses speeding on Maryland Avenue. Mr. Romer responded that a letter would be going out this week to the County's Chief Administrative Officer.

As to whether there has been any movement on the legal basis for collecting revenues from speeding tickets, Councilmember Coyle was advised that Chief Treschuk was going to check into the program in Frederick.

Councilmember Krasnow commented that in visiting the Farmers Market on Saturday, there were a lot of baked goods for sale but no place to sit down and enjoy them. She wondered if there is any way to set up a coffee and juice stand and form a meeting place. Mayor Duncan agreed that this was a great idea, and staff was requested to pursue.

Re: Next Meeting

On June 15, there will be a public hearing on an application for zoning reclassification from the Residential Estate Zone to the Suburban Residential Zone of a 52,141 square foot parcel located at the corner of Glen Mill Road and Veirs Drive. There will also be a hearing on the proposal of Rockville Center, Inc. to reduce the annual rental payment to the City for the Metro Center garage.

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Re: Adjournment

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the meeting was adjourned at 10:12 p.m., to convene again in Public Hearing at 7:30 p.m. on June 15, 1992, or at the call of the Mayor.